



## **TIA's Principles for VoIP & the Public Interest**

Voice-over-Internet Protocol (VoIP) is not just another way of providing traditional telephone service. It is a new application on a new kind of network that will create opportunities for businesses and consumers to communicate in new ways.

VoIP refers to the technology used to transmit voice conversations using the Internet Protocol over a data network that may be the Internet or a corporate Intranet, or managed networks typically used by long and local service traditional providers and ISPs that use VoIP.<sup>1</sup> As an application that rides the physical and logical layers of IP communications networks, it permits the integration of voice, data, and other applications in a manner not previously possible. The use of IP networks also allows for flexibility and for the use of computing power that traditional circuit-switched networks cannot provide.

VoIP will allow individuals to decide how they want their communications delivered and managed, rather than requiring them to pick from a menu created by a carrier. Similarly, the entire technology industry will be free to create and market new technologies that can be deployed anywhere in the network.

Given the inherent differences between the IP networks on which the VoIP application rides and the traditional circuit-switched networks, regulation should not be applied to VoIP without thorough justification that it is necessary as a matter of public policy. Moreover, doing so would have the effect of using regulation to restrict the inherent advantages of the IP platform.

TIA recognizes that, as reflected in our current regulatory regime, there are certain core public interest issues implicated by all communications technologies. We believe that all communications technologies should play a part in advancing these interests. Accordingly, TIA agrees that:

1. Communications technologies should allow service providers, to the extent technically and operationally feasible, to provide ways for national security and law enforcement authorities to conduct wiretaps, pen registers, and other intercepts/electronic document retrieval in response to appropriate legal process.
2. Communications technologies should, to the extent technically and operationally feasible, support the emergency response needs of public safety authorities.
3. VoIP services should be marketed in a manner that allows consumers to make informed choices, is not deceptive or misleading, and respects consumer choice (e.g. no slamming or cramming). Of course, due to the highly competitive nature of the information services market, we anticipate that market forces will be the strongest agent of consumer protection.

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<sup>1</sup> Newton's Telecom Dictionary.

4. Communications technologies should expand the accessibility and usability of communications networks by persons with disabilities. This means, to the extent technically and operationally feasible, designing accessibility into communications technologies and applications. Indeed, VoIP may eventually provide new solutions to old accessibility issues.
5. The inherently interstate (and international) nature of VoIP makes it virtually impossible to delineate between intrastate and interstate services. Therefore, it is necessary to have a single federal policy on VoIP, which explicitly preempts inconsistent state actions.

TIA also recognizes and fully supports the long history in the United States of promoting universal voice telecommunications service. Indeed, VoIP may help reduce the costs of serving high cost areas by reducing routing and transport costs. However, universal service must be supported in ways that: (a) ensure that support is not greater than the minimum necessary to ensure the delivery of universal service at affordable and reasonably comparable rates; (b) recognize that voice is one of many applications provided over IP networks and that segregating voice from other applications is infeasible and will harm innovation; (c) permit the introduction of the most efficient technologies to provide the service in rural areas and do not create barriers to the introduction and deployment of such technologies; (d) do not impose legacy regulatory mechanisms on VoIP in lieu of reforming those mechanisms in a manner that is more compatible with open markets and technological innovation. Indeed, TIA believes such comprehensive reform of the universal service funding mechanism is an urgent priority.

VoIP should not be limited by legacy regulations such as:

- Barriers to entry through requirements to obtain state certificates or licenses prior to offering service. A VoIP provider may be required to register with a state, as any other business may be required to do.
- Tariffing requirements. Tariffs can be an option if a VoIP provider chooses to offer its services as a common carrier, but should not be a precondition of offering services.
- Interstate and intrastate access charges. A transition to a uniform intercarrier compensation mechanism should occur as soon as possible, rather than simply imposing the current structure for interstate and intrastate on VoIP, which does not necessarily have easily identifiable geographic end points for a communication.
- Franchising/right-of-way fees. There is no basis for imposing additional franchise or right-of-way fees on VoIP applications that merely transit on already existing rights of way.